

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 03 MAR 2006

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Applicant's or agent's file reference P037189WO	FOR FURTHER ACTION See Form PCT/PEA416	
International application No. PCT/GB2005/001091	International filing date (day/month/year) 22.03.2005	Priority date (day/month/year) 22.03.2004
International Patent Classification (IPC) or national classification and IPC A01K15/02		
Applicant MARS, INCORPORATED et al.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 1 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in Item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 18.01.2006	Date of completion of this report 02.03.2006	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Van Woensel, G Telephone No. +49 89 2399-2089	



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/GB2005/001091

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements* of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-15 as originally filed

Claims, Numbers

1-12 received on 25.01.2006 with letter of 18.01.2006

Drawings, Sheets

1/4-4/4 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**International application No.
PCT/GB2005/001091

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations (Rule 70.7):**see separate sheet**

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/GB2005/001091

Ad V

1. The present application meets the requirements of Article 33 PCT.
Document D4 (US 2003/168020 A1) discloses an animal chew comprising more than 35% gelatinized starch.
None of the prior art documents cited in the International Search Report discloses or suggests an animal chew wherein the level of starch gelatinization is greater than 90%.
Therefore, claims 8 and 1 meet the requirements of Article 33 (2) and (3) PCT.
Claims 2-7 and 9-12 are dependent on claim 1 or 8 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
Claims 1-12 are considered to be industrially applicable (Article 33(4) PCT).

CLAIMS

1. Use of gelatinized starch for the purpose of increasing the lasting time of an animal
5 chew wherein
the level of starch gelatinization is greater than 90% and
the starch is present in the animal chew at a level of at least 35%.
2. Use according to claim 1 in which the level of gelatinization is greater than 95%.
- 10 3. Use according to claim 1 or claim 2 in which the chew further comprises fibre.
4. Use according to claim 3 in which the fibre is insoluble fibre.
- 15 5. Use according to claim 4 in which the fibre is cellulose.
6. Use according to any of claims 3 to 5 in which the proportion of fibre is in the range 2 to 15%.
- 20 7. Use according to any of the preceding claims in which the animal chew does not contain any plasticizer.
8. An animal chew comprising gelatinized starch having a gelatinization level of greater than 90% and in which the proportion of starch is greater than or equal to 35%.
- 25 9. A chew according to claim 8 further comprising fibre.
10. A chew according to claim 9 in which the proportion of fibre is in the range of 2 to 15%.
- 30 11. A chew according to claim 9 or 10 wherein said fibre is insoluble.
12. A chew according to any of claims 8 to 11 which contains no plasticizer.